

<b>GREAT AMERICAN INSURANCE COMPANIES,</b>	)	<b>AGBCA No. 98-164-F</b>
<b>(Roger L. Moore, insured)</b>	)	
	)	
Appellant	)	
	)	
<b>Representing the Appellant:</b>	)	
	)	
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**DECISION OF THE BOARD OF CONTRACT APPEALS**

**November 26, 2001**

**BEFORE HOURY, POLLACK, and WESTBROOK, Administrative Judges.**

**Opinion for the Board by Administrative Judge POLLACK.**

This appeal arises out of a Standard Reinsurance Agreement (SRA) between Great American Insurance Companies (Appellant) of Cincinnati, Ohio, and the Federal Crop Insurance Corporation (FCIC). The appeal is from a final determination involving Compliance Case No. RA-21NC-199. The compliance case involved a review of a Multi-Peril Crop Insurance (MPCI) contract issued to Appellant's insured, Roger L. Moore, during crop year 1992. FCIC had determined that Appellant had failed to properly calculate the loss of the insured's tobacco crop. FCIC cited errors by the loss adjuster for the Appellant which involved discrepancies in the reported production between loss and non-loss units. FCIC further cited the failure of the loss adjuster to have properly verified the weight tickets, which would have yielded additional information relevant to the loss being claimed. As a consequence, FCIC determined that there had been an overpayment of \$66,216 on the policy. Appellant challenged FCIC's findings. The Board has jurisdiction under 7 CFR 24.4(b) and 400.169(d).

After the filing of pleadings, the parties engaged in discovery. In January 2000, the Board was advised that the parties had been discussing a settlement type of proceeding. Thereafter, the Board was notified that the parties had agreed to proceed with internal settlement discussions between representatives of Appellant and FCIC. By letter of April 12, 2000, counsel for Appellant advised the Board that the parties had made progress and that it appeared that there was interest from both parties in resolving the appeal through settlement. The Board, therefore, held up scheduling further proceedings. After several months passed without notice of settlement, the Board by letter of August 24, 2000, wrote the parties directing them to provide the status of settlement discussions and advising them that depending on the information provided, the Board would decide whether to set completion dates for discovery and proceed with moving the appeal forward.

Appellant responded on behalf of the parties by letter of November 9, 2000, and advised the Board that the parties were still engaged in settlement discussions. Time passed with the Board again not hearing from the parties. Therefore, on February 26, 2001, the Board set a conference call with the parties and at that time set a completion date for discovery and set a date for a follow-on conference at which time hearing dates would be determined.

By letter of June 8, 2001, the Board was advised by the parties that they had reached a settlement and would be forwarding a Dismissal to the Board. By letter of September 18, 2001, the parties provided the Board with a Stipulation of Dismissal with Prejudice.

**DECISION**

Based on the agreement of the parties and the Stipulation of Dismissal filed with the Board, the appeal is dismissed with prejudice.

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**HOWARD A. POLLACK**

Administrative Judge

**Concurring:**

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**EDWARD HOURY**

Administrative Judge

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**ANNE W. WESTBROOK**

Administrative Judge

**Issued at Washington, D.C.  
November 26, 2001**